

Subcommittee on Administrative
Practice and Procedure
3214 New Senate Office Building

February 18, 1965

ELECTRONIC EAVESDROPPING

LIST OF WITNESSES AT HEARING ON FEBRUARY 18, 1965,
ROOM 318 OLD SENATE OFFICE BUILDING, UNITED STATES
SENATE

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Lipset, Mr. Harold K., Private Detective,
San Francisco, California

Ward, Mr. Ralph V., Vice President, Mosler
Research Products, Inc., Danbury, Connecticut

Oberdick, Mr. Geoffrey, Sr., 5518 Western Avenue,
Chevy Chase, Maryland

Mittleman, Mr. E., 136 Liberty Street, New York City

Kagan, Mr. Sholly, Belmont, Massachusetts

FROM THE OFFICE OF:

FOR RELEASE: PM's

SENATOR EDWARD V. LONG (D.-MO.)

Thursday, February 18, 1965

ELECTRONIC EAVESDROPPING

Today, at the opening of Senate hearings on electronic eavesdropping, Senator Edward V. Long (D.-Mo.) stressed the balance that must be struck between privacy of the individual and law enforcement. He said that "there are functions within the Government of a highly sensitive nature and we have no intention of disrupting them."

Long, who is chairman of the subcommittee conducting the hearings, said that non-security Federal agencies "have purchased a considerable quantity of electronic surveillance equipment. We want to know if it is used and, if so, for what purposes; and if it is not used, why not? We want to know who uses it and under what controls."

To demonstrate the "state of the art" of snooping, Long called in a number of experts to explain and demonstrate up-to-date surveillance equipment. Included in a long list of devices are gadgets for wiretapping, subminiature transmitters and receivers, two-way mirrors, parabolic microphones and laser beams.

In addition to electronic eavesdropping, the subcommittee is examining other governmental invasions of privacy, such as peep-holes, "mail covers", censorship, and psychiatric testing.

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[SENATOR LONG'S STATEMENT ATTACHED]

February 18, 1965

OPENING STATEMENT BY SENATOR EDWARD V. LONG
AT HEARINGS ON ELECTRONIC EAVESDROPPING

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This morning the Subcommittee on Administrative Practice and Procedure begins hearings on alleged invasions of privacy by Federal agencies. Let me stress the word "alleged", because many of the accusations which have been made, both by Government employees and members of the public, have not yet been proved.

Let me also stress the point that many of the practices and procedures which some people allege to be unwarranted and unnecessary invasions of privacy are staunchly defended by their users as both warranted and necessary, indeed, indispensable, as tools of law enforcement.

What we are dealing with here is clearly a problem of the balancing of interests: privacy of the individual on the one hand and law enforcement on the other.

Neither of these interests can be satisfied entirely.

In a totalitarian society, privacy almost invariably gives way to law enforcement and its surveillance techniques. We have entirely too many past and present examples of this type of imbalance to close our eyes to a future Orwellian nightmare as in 1984. As we shall see later this morning, all of the needed electronic equipment is in being for such an imbalance.

In a free society, we must maintain a balance, and that is what these hearings are all about.

It is certainly not our purpose to harm law enforcement. It is our purpose to examine into the techniques of surveillance made possible by modern electronics and attempt to see whether their use is or is not beginning seriously to infringe on the privacy of individuals everywhere in this land.....to see, if you prefer, whether an imbalance has not set in, an imbalance which will be more difficult to correct as time goes on.

There are several things about this investigation which should be made clear at the outset.

First, we are attempting to get as complete a picture as possible of Government surveillance techniques, but this is somewhat like putting together a gigantic jigsaw puzzle. Each individual piece may be innocent enough in appearance, but the finished picture may be "Big Brother".

Every law enforcement agency believes that the law which it is enforcing is the most important in the world, and that the criminals it is putting away are the most heinous. This is plain human nature.

It is almost certain that the narcotics agents will tell us that the laws which they enforce are so vital and the criminals are so terrible that they must have every possible law enforcement tool at their disposal.

It will not be surprising if the Food and Drug inspectors don't tell us the same thing.

And what about the Internal Revenue Agents who hunt tax dodgers?

And the FBI?

And the Secret Service?

And the CIA?

And the Defense Intelligence Agency?

And the Fish and Wildlife Service?

The point to be made is that the law enforcement activities of each of these organizations is terribly important, and if it were the only law enforcement agency using surveillance techniques there would probably be no serious incursions into the privacy of the individual. But there are literally thousands of law enforcement agencies using more and more (and more modern) methods of surveillance upon the individual. It is the total picture which we must examine.

Second, up to this point, this subcommittee has confined its examination to only a very small fraction of the snooping problem, and our findings must be interpreted in light of this fact. We have not looked into (1) industrial spying, (2) labor spying, (3) private eye spying, (4) state and local law enforcement spying. In fact, we have looked into only a minor fraction of Federal law enforcement activities; so far, we have examined into the methods of only the non-security community; we have not looked at the surveillance techniques of such agencies

as the FBI, CIA, military intelligence, etc. I am not saying that such an investigation should not or will not be made, only that it has not been made and our findings must be interpreted accordingly. A rough guess would be that we have looked into less than 5% of Government invasions of privacy up to this point.

Third, this subcommittee shall call many witnesses before it is finished with this investigation. We will not be concerned with the deeds or misdeeds of these individuals, or their popularity or unpopularity. Some will have been convicted of crime. Some will not be popular. But under our system of Government, as we have known it for almost 200 years, our constitutional guarantees are equally available to the guilty as to the innocent, to the unpopular as to the popular. As has often been said, the rights of none of us are any stronger than the rights of any one of us. Or put another way, a right which is denied to any one of us is worth very little to the remainder of us.

To this point our investigation has labored under a number of handicaps which we have attempted to overcome.

We are investigating an area about which few people wish to talk. We have attempted to remedy this situation by the use of persistence and patience.

We have been refused specific information by at least two departments. We hope to persuade these departments of the righteousness of our cause and our need for information.

We think we have gotten something less than complete candor from some of the people to whom we have talked. We hope to remedy this by having all of our witnesses sworn before testifying.

The breadth of our present investigation was spelled out in a questionnaire which was sent to Government agencies last September.

Although we have not gotten answers from all agencies to which the questionnaire was sent, and certain answers appear to be incomplete, we have learned that the so-called non-security agencies have purchased a considerable quantity of electronic surveillance equipment. We want to know if it is used and, if so, for what purposes; and if it is not used, why not? We want to know who uses it and under what controls.

We are cognizant that there are functions within the Government of a highly sensitive nature and we have no intention of disrupting them. The use of these devices in sensitive areas may well be necessary, properly controlled, and non-offensive.

We have attempted to acquaint ourselves with the "state of the art" of snooping equipment. This is a good starting point for our hearings today. As will be demonstrated, in the hands of a competent operator, these insidious devices spell an end to the personal and business privacy of anyone brought into their range. They are neither science fiction pipe-dreams nor

are they solely for the use of the technically skilled or the rich. Many are uncomplicated in operation, virtually incapable of detection and widely available at relatively low cost. The gear is advertised in many of our leading newspapers and periodicals. The demonstrations we will witness today may prove an eye-opener even to those acquainted with these snooping tools.

Unfortunately, in this whole area of invasions of privacy, we are in both a legal desert and a legal jungle.....a legal desert because of the sparsity of law; a legal jungle because of the conflicting nature of that law which exists. For example, the only Federal law we have on wiretap and eavesdropping are sections 302 and 605 of the 1934 Federal Communications Act. Neither of these sections are enforced. Yet, five states have enacted and enforce law which are in direct conflict with the Federal law.....and no Federal protest is heard. Any light which we may shed on this problem will be helpful.

As to the format of the hearings, we shall begin today by having a demonstration of some of the techniques and electronics gear used by Federal agencies in their surveillance activities. During the next two weeks we hope to examine into certain specific invasions of privacy which have been widely employed by the Post Office Department. Thereafter, as time permits, we shall look into the practices of a number of Federal departments and agencies. The subject is a very broad one, and it is our intention to cover it thoroughly.

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